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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,693	03/14/2000	Junichiro Yamada	044499/0108	8885
22428	7590	05/05/2004	EXAMINER CHAWAN, SHEELA C	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ART UNIT 2625	PAPER NUMBER 16

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/524,693

Applicant(s)

YAMADA ET AL.

Examiner

Sheela C Chawan

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-8 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, see pages 7- 8, filed on Feb 18, 2004 (paper # 15/C), with respect to the rejections of claims 1-10, under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Scott et al. (US. 6,484,260 B1).

Claims 2, 5, 9 and 10 are cancelled.

Claims 1, 4, and 8 are amended.

Claims 11-13 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(a) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3, 4, 6 - 8, 11-13 are rejected under 35 U.S.C.103(a) as being unpatentable over Piosenka et al. (Listed in the IDS paper No. 4, (US.4, 993,068), in view of Scott et al. (US. 6,484,260 B1).

As per claim 1, Piosenka teaches a personal identification device for executing personal identification by employing living body characteristics of a user (living body characteristics of a user is considered to be called as Bio data or biometric data fig 1, such as facial photograph or retinal pattern or fingerprint or voice patterns, column 3, lines 45- 59, column 4, lines 45- 68, column 5, lines 1-27):

identification condition data specifying, at least one living body characteristic stored in a portable storage media carried by the user for the personal identification (identification condition data that specifies living body characteristic herein after is referred to bio data, abstract, column 2, lines 61- 66, column 8, lines 33-68);

a living body characteristic detector (fig 1, item 10) for detecting from the user the living body characteristic data corresponding to the identification condition data read by said identification condition data reader (column 2, lines 61- 68, column 3, lines 1-8);

a peripheral controller to control the living body characteristic detector (at least in figure 1, interface elements 21-23 provide a function of a peripheral controller by controlling the elements 13-15, the living body characteristic detectors such as retinal scanner, finger print reader and voice print processor;

an identifier for performing personal identification (column 3, lines 1-8, fig 1, 11-15) by comparing the living body characteristic data detected by the living body characteristic detector with living body characteristic data of users previously obtained (column 3, lines 44- 48, column 4, lines 45- 68, column 5, lines 1-19).

Piosenka discloses personal identification system for the generation of unforgeable identification credentials and use of these unforgeable identification credentials at remote localized sites. Piosenka is silent about specific details of portable storage media stores therein an identification algorithm for personal identification.

Scott discloses a portable personal identification device for providing secure access to a host facility includes a biometric sensor capable of sensing a biometric trait of a user that is unique to the user and providing a biometric signal. The system comprises of:

wherein said portable storage media stores therein an identification algorithm for personal identification employing said detected living body characteristic together with said living body characteristic data (the personal identification that is associated with the user i.e., the ID code, the personal encryption key, and the fingerprint template, is stored in a smart card, column 5, lines 16- 25), and said identifier performs said personal identification by transferring said living body characteristic data detected from the user by said living body characteristic detector to said portable storage media (column 2, lines 44- 67, column 3, lines 1-3, column 5, lines 16- 27, column 8, lines 30-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Piosenka to include a portable storage media stores

therein an identification algorithm for personal identification. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Piosenka by the teaching of Scott in order to provide a secure access to a host facility including a housing, (as suggested by Scott at column 2, lines 44 - 67).

As per claim 4, see the rejection of claim 1.

As per claim 8, see the rejection of claim 1.

As per claims 3 and 6, Piosenka teaches a personal identification device in which said portable storage media stores therein said living body characteristic data, said identification condition reader reads said living body characteristic data from said portable storage media together with said identification condition data, and said identifier performs said personal identification by comparing said living body characteristics detected from the user by said living body characteristic detector with said living body characteristic data read from said portable storage media (column 4, lines 61- 68, column 5, lines 1-27) .

As per claim 7, Piosenka teaches a personal identification apparatus according to claim 4, in which said central device stores and manages said living body characteristic data for each user, revises said living body characteristic data for each user stored and managed by communication with each of said personal identification terminals, and controls identification results of users from said personal identification terminals (column 3, lines 34- 65, column 4, lines 1-16).

As to claims 11,12 and 13 Scott discloses a personal identification device wherein said portable storage media is an IC card (fig 4A and fig 4B, column 10, lines 6-13).

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

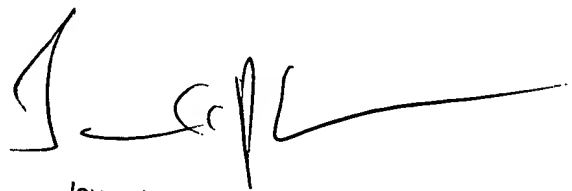
Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is 703-305- 4876. The examiner can normally be reached on Monday - Thursday 6 - 7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sheela Chawan
Patent Examiner
Group Art Unit 2625
April 23, 2004


Jayanti K. Patel
Primary Examiner